

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

SWISSDIGITAL USA CO., LTD.,
Plaintiff,

v.

WENGER S.A.
Defendant.

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Case No. 6:21-cv-453-ADA

JURY TRIAL DEMANDED

ORDER ON DISCOVERY DISPUTE

On November 28, 2022, Plaintiff Swissdigital USA Co., Ltd. (“Plaintiff”) raised eight (8) discovery dispute issues with the Court via email submission. On November 29, 2022, the Court held a hearing via video conference to resolve these discovery disputes. Having considered the parties’ submissions and oral arguments, the Court **ORDERS** as follows:

As to Issue Nos. 1-6, relating to documents and things responsive to Plaintiff’s Request for Production Nos. 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 22, the Court **GRANTS** Plaintiff’s requests and **ORDERS** Defendant Wenger to request documents and things from Group III pursuant to the License Agreement between Wenger and Group III. By December 1, 2022, Plaintiff shall provide Defendant with a list of specific items that Defendant is to request from Group III. Within two business days of receiving that list, the Court **ORDERS** Defendant to request such items from Group III. Defendant **MUST** provide to Plaintiff all materials produced to Defendant by Group III in response to Plaintiff’s list.

As to Issue No. 7, relating to documents and things responsive to Plaintiff’s Request for Production Nos. 14 and 16, Defendant confirmed that it was not withholding any responsive documents on the basis of its objections. In light of Defendant’s representation, the Court **DENIES** this request as **MOOT**.

As to Issue No. 8, relating to Defendant's Response to Plaintiff's Interrogatory No. 13, the Court finds that Interrogatory 13 is a proper contention interrogatory. As such, the Court **GRANTS** Plaintiff's request and **ORDERS** Defendant to identify, within its knowledge, all products sold under Defendant's Trademarks that have USB ports. Defendant may respond by producing business records under Rule 33(d). If so, the cited business records must demonstrate that the product(s) include a USB port.

SO ORDERED this 7th day of December, 2022.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", is written over a horizontal line.

DEREK T. GILLILAND

UNITED STATES MAGISTRATE JUDGE